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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,044	05/01/2001	Athar Shah	60,130-1048/01MRA0236	4502
26096	7590	01/10/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/846,044

Applicant(s)

SHAH, ATHAR

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-28 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,11,12,14-16 and 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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In light of the applicant's comments in the Appeal Brief submitted May 26, 2004, the final Office action of March 31, 2003 has been withdrawn in favor of the following Office action.

***Election/Restrictions***

Applicant's election of Group I in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 8-10 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

***Claim Rejections - 35 USC § 112***

Claims 25 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a belt position" on line 2 of claim 25 render the claims indefinite because it is unclear what comprises a "belt" position. How does the term "belt" define a position?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyauchi. Miyauchi discloses a regulator assembly comprising a glass support member 10, a drive motor 6 producing a drive force, a flexible belt 20 having a profile with a plurality of protrusions (not numbered, but shown in figure 1), the belt interconnecting the drive motor and the glass support member and a drive pulley 9 with a complementary profile to the flexible belt with the complimentary profile having a plurality of recesses (not numbered, but shown in figure 1) receiving at least two of the plurality of protrusions, the pulley engaging the belt and moving the belt relative thereto in response to the drive force, and a support pulley 17'B.

Claims 12, 14-16 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Compagnon et al. Le Compagnon et al. discloses a regulator door module for a door comprising a panel 30, a glass support member 14, a drive motor 18 producing a drive force, a flexible continuous loop belt 22 having a profile, the belt interconnecting the drive motor and the glass support member, a bracket (not numbered, but comprising the element supporting pulley 27) spaced apart from the bracket 18 both connected to the panel and supporting opposed end portions of the belt, and a drive pulley 26 with a complementary profile to the profile of the flexible belt,

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the drive pulley connected to the drive motor with the drive pulley engaging the belt and moving the belt relative thereto in response to the drive force, each of the brackets includes a stop (not numbered, but comprising a surface facing toward the center of the door), spaced apart guides 20.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 22 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyauchi as applied to claims 1, 3, 4 and 25 above, and further in view of Colell. Colell discloses a flexible belt 8 having a plurality of tapered protrusions (not numbered, but shown in figure 3) extending laterally across a width of the belt to opposing sides of the belt as shown in figure 6, the belt includes an unbroken outer surface (not numbered, but shown in figure 3) with the protrusions extending in a direction opposite the outer surface, a pulley 20 including spaced apart flanges with a portion of the belt located laterally between the flanges.

It would have been obvious to one of ordinary skill in the art to provide Miyauchi with a belt and drive pulley, as taught by Colell, to ensure proper alignment with and smooth engagement between the drive pulley.

Claims 1, 3-7, 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Compagnon et al. in view of Colell. Le Compagnon et al. discloses a regulator assembly comprising a glass support member 14, a drive motor 18 producing a drive force, a flexible continuous loop belt 22, the belt interconnecting the drive motor and the glass support member and a drive pulley 26, the pulley engaging the belt and moving the belt relative thereto in response to the drive force, the pulley 26 is supported by a bracket spaced apart from the bracket (not numbered, but shown in figure 2) supporting the pulley 27, each of the brackets includes a stop (not numbered, but comprising a surface facing toward the center of the door), spaced apart guides 20, a rod (not numbered, but comprising one of the end panels of the door C). Le Compagnon et al. is silent concerning a toothed belt.

However, Colell disclose a flexible drive belt 8 having a profile with a plurality of protrusions (not numbered, but shown in figure 3) and a drive pulley 20 with a complementary profile to the flexible belt with the complimentary profile having a plurality of recesses receiving at least two of the plurality of protrusions as shown in figure 3.

It would have been obvious to one of ordinary skill in the art to provide Le Compagnon et al. with a belt and drive pulley, as taught by Colell, to prevent the belt from slipping with respect to the drive pulley.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Compagnon et al. as applied to claims 12, 14-16 and 24 above, and further in view of

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Colell. Colell discloses a drive belt 8 comprising a plurality of protrusions (not numbered, but shown in figure 3) and a drive pulley 20 comprising a plurality of recesses (not numbered, but shown in figure 3) receiving at least two of the protrusions.

It would have been obvious to one of ordinary skill in the art to provide Compagnon et al. with a drive belt and pulley combination, as taught by Colell, to prevent the belt from slipping from the drive pulley.

### ***Response to Arguments***

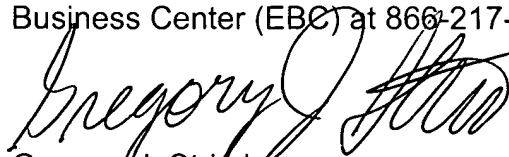
Applicant's arguments filed May 26, 2004 have been fully considered but they are not persuasive. With respect to the applicant's comments concerning providing Compagnon et al. with the toothed drive system of Colell, the examiner respectfully disagrees. One with ordinary skill in the art is well aware of providing a toothed engagement between a drive pulley and a drive belt prevents slippage between the pulley and the belt. Therefore, since Compagnon et al. is silent concerning the type of belt used, one with ordinary skill in the art would be motivated to provide Compagnon et al. with a toothed belt and drive pulley configuration to prevent slippage therebetween. The remainder of the applicant's comments are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", is written over the printed name and title.

Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
December 27, 2004